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February 18, 2025

**VIA ECF**

Honorable Pamela K. Chen, United States District Judge  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Michael McMahon**  
**Crim. No. 1:21CR00265(S-1)-004(PKC)**

Dear Judge Chen,

As Your Honor knows, this Firm represents defendant Michael McMahon in the above-referenced matter. With sincere apologies for the lateness of this request, please accept this letter in lieu of more formal motion seeking a three-week extension of the sentencing date, and of the submission related thereto, in the above-captioned matter.

As the Court may recall, the date for this sentencing was set, at least in part, based upon the expectation that a trial in which I am involved, *United States v. Johnston*, et al., No. 20-cr-00800-ESK, which is ongoing in the United States District Court for the District of New Jersey (Camden Vicinage) would be completed by this time. Specifically, the trial began on January 22, 2024 and was predicted to last as little as four (4) weeks. Unfortunately, given interruptions caused by weather, illnesses and holidays, among other matters, we have just finished our fourth week of trial and it now appears that the trial will go at least another four weeks, and not conclude until mid-March at the earliest (including charge conference, summations and jury deliberations). Accordingly, I will not be available on the current sentencing date of March 3, 2025. Even more urgently, because of this trial (and particularly the cross-examination that I will be doing today of one of the Government's most significant witnesses in that case), I have not had the opportunity to complete the all-important sentencing memorandum in this matter, a submission which is very important to my client and which I hope will be of great assistance to the Government as it formulates its sentencing position and, most significantly, to the Court as it arrives at a just sentencing in this difficult matter. That sentencing submission would be due today, February 18, and even leaving aside that we have not yet received the final Presentence Report in this case (at least in part because, at our request, the Probation Office was updating the draft to take into account Your Honor's prior sentencing guidelines-related rulings in this matter), the sentencing memorandum is not, to be candid, close to the document that it will need to be to fulfill its purpose.

Accordingly, on behalf of Mr. McMahon, and mindful that this matter has been pending for some time (though other sentencings related to this case are scheduled for as late as June 5,

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2025), we are constrained to request an adjournment of the sentencing date, and of the schedule for sentencing submissions in this matter. Again, I sincerely apologize for the lateness of this request (particularly with respect to the Sentencing Memorandum).

I have communicated with the Government in this matter which has, again, been most gracious and consents to this relief, proposing a new sentencing date during the week of March 24, 2025 (preferably as early that week as possible, if that works with the Court's calendar, with sentencing submission likewise due three weeks later than currently, *i.e.*, on or before March 11 for the defense and March 18 for the Government). In the hope that this schedule is satisfactory to the Court, and with gratitude for Your Honor's continued kind and thorough consideration, we have provided a signature block below where Your Honor can, if you wish, So Order this relief.

We again sincerely thank the Court for its substantial courtesies throughout the course of this matter.

Respectfully submitted,

/s/Lawrence S. Lustberg

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Lawrence S. Lustberg, Esq.

**GIBBONS P.C.**

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**SO ORDERED:**

This \_\_\_\_ day of February, 2025

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Honorable Pamela K. Chen  
United States District Judge

cc: Meredith A. Arfa, Assistant U.S. Attorney (via ECF and email)  
Irisa Chen, Assistant U.S. Attorney (via ECF and email)  
Christine A. Bonomo, Trial Attorney, National Security  
Division (via ECF and email)